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6 Attorneys for Secured Creditor
7 Ball Metal Food Container LLC, a Delaware limited
liability company

8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11
12 In re

13 SK FOODS, L.P., a California limited
partnership, et al,

14 Debtors.
15
16

CASE NO.: 09-29162 D11

Chapter: 11

REQUEST FOR SPECIAL NOTICE

1
2 PLEASE TAKE NOTICE that Ball Metal Food Container LLC, a Delaware limited
3 liability company ("Ball Metal Food") hereby appears and under, *inter alia*, Bankruptcy Rules
4 2002, 9007, 9010 and Section 1109(b) of the Bankruptcy Code, 11 U.S.C. § 1109(b), requests
5 that all notices given or required to be given in this case, and all papers served or required to be
6 served in this case, be given to and served upon counsel for Ball Metal Food in the above-
7 referenced case:

8
9 Steven G. F. Polard, Bar No. 90319
SPolard@perkinscoie.com
10 PERKINS COIE LLP
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11 Los Angeles, CA 90067
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14 PLEASE TAKE FURTHER NOTICE that under Section 1109(b) of the Bankruptcy
15 Code, this request includes not only the notices and papers referred to in the Bankruptcy Rules
16 specified above, but also includes, without limitation, orders and notices of any application,
17 motion, petition, pleading, request, complaint, or demand, whether formal or informal, whether
18 written or oral, and whether transmitted or conveyed, by mail, courier service, hand-delivery,
19 telephone, facsimile transmission, telegraph, telex, or otherwise (1) that affects or seeks to affect
20 in any way any rights or interests of any creditor or party in interest in this case, including Ball
21 Metal Food, with respect to: (a) the debtor; (b) property of the estate, or proceeds thereof, in
22 which the debtor may claim an interest; or (c) property or proceeds thereof in the possession,
23 custody, or control of others that the debtor may seek to use; or (2) that requires or seeks to
24 require any act, delivery of any property, payment, or other conduct by Ball Metal Food.

25 PLEASE TAKE FURTHER NOTICE that Ball Metal Food intends that neither this Entry
26 of Appearance nor any later appearance, pleading, claim, or suit shall waive (1) Ball Metal Food's
27 right to have final orders in non-core matters entered only after *de novo* review by a District
28 Judge, (2) Ball Metal Food's right to trial by jury in any proceeding so triable in this case or any

1 case, (3) Ball Metal Food's right to have the District Court withdraw the reference in any matter
2 subject to mandatory or discretionary withdrawal, or (4) any other rights, claims, actions,
3 defenses, setoffs, or recoupments to which is or may be entitled under agreements, in law or in
4 equity, all of which rights, claims actions, defenses, setoffs, and recoupments Ball Metal Food
5 expressly reserves, and (5) Ball Metal Food's rights to dismiss or convert the within case.

6
7 DATED: November 6, 2009

8 PERKINS COIE LLP

9 By:  _____

Steven G. Polard

10 Attorneys for Creditor Ball Metal Food Container LLC, a
11 Delaware limited liability company
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1 **PROOF OF SERVICE**

2 I, Caroline Mallahi, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 1888 Century Park East, Suite 1700, Los Angeles, California 90067.

6 On November 6, 2009, I served a copy of the within document(s):

7 **REQUEST FOR SPECIAL NOTICE**

- 8
- 9 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- 10 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- 11
- 12 ☐ by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- 13
- 14
- 15 ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- 16

17 **Debtor**

18 SK Foods, L.P.
19 21 Lower Ragsdale
Monterey, CA 93940

20 **Debtors' Counsel:**

21 Richard A. Lapping
22 101 California Street #3900
San Francisco, CA 94111

23 **Trustee:**

24 Bradley D. Sharp
25 333 S. Grand Avenue #4070
26 Los Angeles, CA 90071

27 **Attorneys for Trustee:**

Gregory C. Nuti
One Montgomery Street #2200
San Francisco, CA 94104

28 **U.S. Trustee:**

Office of the U.S. Trustee
501 I Street, Room 7-500
Sacramento, CA 95814

Attorney for U.S. Trustee

Judith C. Hotze
501 I Street #7-500
Sacramento, CA 95814

Official Committee of Unsecured
Creditors
c/o R. Dale Ginter
621 Capitol Mall, 18th Floor
Sacramento, CA 95814

**Eric T. Smith
John K. Gisleson
Keith E. Whitson
120 5th Avenue #2700
Pittsburgh, PA 15222**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 6, 2009 at Los Angeles, California.

Caroline Mallahi
Caroline Mallahi